



NIRB File No.: 16MN056
NWB File No.: 2AM-WTP- - -

August 1, 2017

Whale Tail Pit Project Distribution List

Sent via email

Re: Request for Public Comment Regarding Agnico Eagle Mines Ltd.'s Application for Exceptions from the ongoing Review of the Whale Tail Pit Project

Dear Parties:

On July 14, 2017 the Nunavut Impact Review Board (NIRB or Board) received a submission from Agnico Eagle Mines Ltd. (Agnico Eagle or Proponent) describing the "Whale Tail Pit Project Type B Predevelopment Application" project proposal associated with its Whale Tail Pit project (NIRB File No.: 16MN056) which is currently under Review by the NIRB pursuant to Part 5, Article 12 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and section 94(1)(a)(iv) of the *Nunavut Planning and Project Assessment Act* (NuPPAA). Agnico Eagle's application package has been submitted for consideration pursuant to Nunavut Agreement Section 12.10.2(b) and NuPPAA Section 155, which allow for exceptions for approvals or licences to be granted for exploration or development activities related to a project under Review by the NIRB where, in the judgement of the NIRB the activities can proceed independently of the Review.

There are limited circumstances where the NIRB may determine that exploration and/or development activities can be allowed to proceed while a related project is undergoing Review:

1. Permits, licences or approvals are required to facilitate scientific research and/or the collection of data to support the Review of a project proposal;
2. Permits, licences or approvals are required to allow for continued exploration and/or bulk sampling programs while a related project is undergoing Review; and/or
3. Permits, licences or approvals are required to facilitate the limited transport and storage of equipment and materials related to a project undergoing Review, in recognition of the seasonal constraints imposed by the arctic conditions of the Nunavut Settlement Area.

Agnico Eagle's "Whale Tail Pit Project Type B Predevelopment Application" submission included an application to the Nunavut Water Board (NWB) for a Type "B" Water Licence as well as supporting materials and appendices.

SCOPE OF APPLICATION PACKAGE

The scope of Agnico Eagle's "Whale Tail Pit Project Type B Predevelopment Application" [the 12.10.2(b) application package] as submitted to the NIRB encompasses proposed pre-development/site preparation activities to occur between November 2017 and June 2018, including the following:

- Pre-delivery of material, fuel, and equipment;
- Construction of concrete pads, including options for supplies laydown area (the future site of the camp), and water treatment plant foundation;
- Construction of some service roads around the Whale Tail Pit site to undertake other pre-development activities including:
 - Construct temporary bridge crossing over the Mammoth Channel in March 2018,
 - Road between Quarry 2 and Waste Rock Storage Facility (WRSF),
 - Road and one culvert between exploration camp and proposed Nemo freshwater intake,
 - Road between exploration area and new road between Quarry 2 and the WRSF,
 - Upgrade/widen Whale Tail Pit haul road from 6.5m wide to 9.5m plus bypasses to ensure the safe pre-delivery of material and equipment (such as Vault Pit 777 haul trucks);
- Quarrying at Quarry 2 (for construction); and
- Construction of the waste rock berm.

The proposed activities are justified by Agnico Eagle as important steps towards minimizing any unforeseen delays in the development of the Whale Tail Pit Project. Agnico Eagle has indicated that the timing of this application and potential issuance of the Type B Water Licence by the NWB would allow it to commence the desired pre-development as early as November 2017, which is approximately the time when the NIRB's hearing report and associated determination is expected to be released for the Whale Tail Pit Project. By implementing a pre-development permitting approach, Agnico Eagle is hoping to gain substantial scheduling gains considering the short construction season in the Arctic.

All documentation associated with this submission is available from the NIRB's online public registry at www.nirb.ca by using the following search criteria:

- Project Name: Whale Tail Pit Project
- NIRB File No.: 16MN056
- Application No.: 124683
- Document ID Nos.:
 - 313014 App 8-C.1 Whale Tail Haul Road Mgmt Plan
 - 313017 NWB Predevelopment Concordance
 - 313018 Agnico Eagle Ltr NIRB NWB Re Exemption Application
 - 313019 Caribou Workshop Summary
 - 313020 NWB Licence Application
 - 313021 NWB Main Application Supporting Document-Predevelopment

- 313024 NWB Main Application-App G-Predev Closure and Reclamation Plan
- 313025 NWB Main Application-App H-Fisheries Assessment of Mammoth Crossing
- 313026 Predevelopment Site Layout Map
- 313027 Project Summary for Type B Predevelopment for Whale Tail Pit
- 313028 Spill Contingency Plan
- 313029 Terrestrial Ecosystem Mgmt Plan-Pt 1
- 313030 Terrestrial Ecosystem Mgmt Plan-Pt 2
- 313031 Terrestrial Ecosystem Mgmt Plan-Pt 3
- 313032 Whale Tail Commitments Update

REQUEST FOR COMMENTS

Prior to determining whether the activities proposed within Agnico Eagle's application package can be excepted from the NIRB's Review of the Whale Tail Pit Project and permitted to proceed, the NIRB invites comments from interested parties regarding:

- A determination of whether Parties agree/disagree with the conclusions in the application package regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- A determination of whether or not conclusions in the application package are supported by the analysis – and reasons to support the determination;
- A determination of whether appropriate methodology was utilized in the application package to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- An assessment of the quality and presentation of the information in the application package; and
- Any comments regarding: the expressed need for and required timing of the proposed exceptions as presented; the permanence of proposed infrastructure; the reversibility of potential impacts; and the potential need for associated security bonding.

The NIRB also invites comments from interested parties regarding whether an approval of the proposed activities would have the effect or appearance of fettering any further or final decision by the Board or Minister relating to the larger mining and milling project under Review.

The NIRB requests that comments regarding the current application package as outlined above be submitted to the NIRB on or before **August 18, 2017**.

NEXT STEPS

The NIRB is currently anticipating the following steps and associated timeline for consideration of Agnico Eagle's application package:

1. Parties to submit comments pertaining to the application package by **August 18, 2017**.
2. If determined to be necessary, the NIRB will provide the Proponent with an opportunity to respond to public comment submissions on or before **August 25, 2017**.

3. Following consideration of all application materials, public comments and the Proponent's response to comment submissions (if applicable), the NIRB will provide relevant regulatory authorities with its determination regarding Agnico Eagle's application.
4. If the NIRB determines that an exception from the Board's Review of the Whale Tail Pit Project is appropriate and subsequently recommends approval of the proposed works and activities, regulatory authorities would proceed to process the respective licences and permits at their discretion.

The NIRB appreciates the efforts of all parties to ensure a timely and efficient consideration of Agnico Eagle's "Whale Tail Pit Project Type B Predevelopment Application".

All interested parties are invited to submit comments directly to the NIRB at info@nirb.ca or by fax at (867) 983-2594, on or before **August 18, 2017**.

If you have any questions regarding the NIRB's Review of the Whale Tail Pit Project, please contact Sophia Granchinho, Manager, Impact Assessment at sgranchinho@nirb.ca or by phone at (867) 857-4829.

Sincerely,



Tara Arko
Director, Technical Services
Nunavut Impact Review Board

cc: Ryan Vanengen, Agnico Eagle Mines Ltd.
Stéphane Robert, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
David Hohnstein, Nunavut Water Board
Karén Kharatyan, Nunavut Water Board